

**JAMES KAN**  
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James Kan is a Shareholder with Goldstein Borgen Dardarian & Ho (“GBDH”), located in Oakland, California, which represents plaintiffs and employees in complex litigation, including wage and hour, employment discrimination, consumer rights, and other public interest class, collective and representative actions. The law firm, formerly Goldstein Demchak Baller Borgen & Dardarian, was founded in 1972 and has a national practice. GBDH has litigated class action lawsuits in Texas, New York, Florida, Georgia, Missouri, Illinois, Washington, Michigan, Maryland, and Minnesota, as well as California.

#### **LEGAL EXPERIENCE**

##### **Goldstein, Borgen, Dardarian, & Ho, Oakland, CA**

*Columbia Law School Civil Rights Fellow (September 2005 to September 2007), Associate (September 2007 to December 2013), Partner (January 2014 to December 2018); Shareholder (January 2019 to present):* Represents workers, consumers, and plaintiffs in class, collective, and representative action proceedings in state and federal courts. Negotiates severance agreements on behalf of individual executives and professionals.

##### **Research Assistant for Prof. Jack Greenberg, New York, NY**

*Research Assistant (October 2003 - May 2004):* Conducted research on civil rights legal issues and history for Professor Jack Greenberg of Columbia University School of Law.

#### **EDUCATION**

##### **Columbia University School of Law, New York, NY.**

*Juris Doctor, May 2005. Editor & Staff Member, Columbia Human Rights Law Review*

##### **William Paterson University, Paterson, NJ**

New Jersey Elementary School Teaching Certificate, December 2001

##### **University of North Carolina at Chapel Hill, Chapel Hill, NC**

Bachelor of Arts, with *distinction*, in Political Science, May 2000. Graduated Phi Beta Kappa and Dean's List

#### **PUBLICATIONS AND PRESENTATIONS (partial listing)**

American Bar Associate Section of Labor and Employment Law, 2021 National Conference on Equal Employment Opportunity Law, “Beyond Diversity: Towards Equity, Inclusion, and Justice” Co-speaker, April 7-9, 2021.

Bar Association of San Francisco, Labor and Employment Section, 2017 Yosemite Conference, “Class Action Waivers and Strategies After *Morris*,” February 9-10, 2018.

National Employment Lawyers Associate 2014 Annual Convention, “Tips for Representing Tipped Employees,” Panel Co-Speaker and Co-Author of paper of same title, Boston, MA, June 25, 2014.

“Class Action Developments and Trends,” Practising Law Institute, California Employment Law Update 2013, San Francisco, CA, September 10, 2013 (Co-author).

“Title VII and Criminal Records – A Plaintiffs’ Bar Perspective,” American Bar Association Section of Labor and Employment Law, 2013 ABA Annual Meeting, San Francisco, CA, August 9, 2013 (author).

American Bar Association Section of Labor and Employment Law, 2013 ABA Annual Meeting, “Use of Criminal Convictions in Employment Panel Co-Speaker”, San Francisco, CA, scheduled August 9, 2013.

Upward and Onward: Reentry Legal Services 2.0, “Employment Panel” Co-Speaker, Los Angeles, CA, November 29, 2012.

Impact Fund 8th Annual Employment Discrimination Class Action Conference, Rule 23 Basics Panel Co-Speaker, Oakland, CA, February 25, 2010.

Bridgeport CE, Mastering the Deposition Workshop, Preparing and Defending Your Witness - Speaker, San Francisco, CA, December 4, 2009.

“The Impact of Brinker Restaurant Corp. v. Superior Court on Wage and Hour Claims – A Plaintiffs’ Counsel’s Perspective,” California Civil Litigation Reporter, October 2008 (Author).

“Dipping into the Tip Pool: Restaurant Workers and the FLSA,” National Employment Lawyers Association 18th Annual Convention, June 2007 (Co-author).

### **LITIGATION EXPERIENCE** (partial listing)

Flowers v. Twilio Inc., No. RG16804363 (Alameda Cnty. Super. Ct., June 13, 2019), a 2019 class settlement for \$10 million on behalf of California consumers alleging violations of California’s Invasion of Privacy Act.

Siciliano v. Apple, Inc., No. 2013-1-CV-257676 (Santa Clara Cnty. Super. Ct., Nov. 2, 2018), a 2018 class settlement for \$16.5 million on behalf of California consumers alleging violations of California’s Automatic Renewal Laws.

Carillo-Hueso, et al. v. Ply Gem Industries, Inc., No. 34-2016-00195734-CU-OE-GDS (Sacramento Co. Super. Ct., June 29, 2017), a 2017 class and representative settlement for \$975,000 on behalf of approximately 500 workers alleging missed meal breaks and deficient wage statements.

Bennett v. SimplexGrinnell LP, No. 11-cv-01854-JST (N.D. Cal.), a 2015 class action settlement for \$4.9 million on behalf of fire alarm and sprinkler inspectors alleging state prevailing wage violations.

Willner v. Manpower, No. 11-cv-02846-JST (N.D. Cal.), a 2015 class action settlement for \$8.75 million on behalf of over 20,000 temporary employees in California alleging deficient wage statements)

Roussell v. Brinker, Int'l, 2011 WL 4067171 (Fifth Circuit, U.S. Court of Appeals), affirming \$1.8 million jury trial verdict for unlawful tip pool in 2011; served as co-lead trial counsel over 2 week jury trial in S.D. Tex.

McClain, et al. v. Lufkin Industries, Inc., No. 9:97-CV-63 (E.D. Tex.) bench verdict after trial in race discrimination employment class action resulting in approximately \$5.5 million class backpay and interest; basic liability finding affirmed on appeal to Fifth Circuit Court of Appeals.

Wren v. RGIS, No. C06-05778 JCS (N.D. Cal.), a nationwide FLSA collective action and state classes for California, Illinois, Washington, and Oregon of inventory auditors in off-the-clock case resulting in \$27 million settlement in 2011.

Signorelli v. Utiliquest, LLC, No. 5:08-CV-38 (M.D. Fla.), a 2008 class and collective action settlement resolving compensable time claims (federal and state) of utility locators for \$10 million.

Chinese Progressive Association v. Anna Wong, et al., Case No. A11568 (California Court of Appeal, First Appellate District), served as appellate counsel in appeal of fee award against non-profit community organization for bringing UCL claims on behalf of garment workers who were denied any payment of wages for hours worked; successfully argued appeal and fee award was reversed in 2008.

Rosenberg v. IBM, No. 06-00430 PJH (N.D. Cal.), a nationwide FLSA and multi-state class of technical services workers resulting in \$65 million settlement in 2007.

Dunwiddie, et al. v. Central Locating Services, No. 5:04-CV-315-OC-106 (M.D. Fla.), a certified nation-wide collective action under FLSA and in related actions in New York and Washington; global settlement in excess of \$8 million approved in 2006.

## **AWARDS**

Super Lawyers – Northern California Super Lawyer 2016 to present; Northern California Rising Star 2014, 2015

## **BAR MEMBERSHIP/ADMISSIONS**

State Bar of California (12/7/2005-present)

United States District Courts for Northern (12/7/2005-present) and Central (3/23/07-present) Districts of California

United States Court of Appeal for the Ninth Circuit (4/2016)

United States Court of Appeal for the Fifth Circuit (6/2009)

United States Court of Appeal for the Eighth Circuit (12/2016)

## **PROFESSIONAL ASSOCIATIONS**

American Bar Association, Labor and Employment Section, EEO Committee, current Program Manager (for the Plaintiffs' constituency)

Asian Law Caucus, Board Member (since 2018)  
American Bar Association, Member of Dispute Resolution Sections  
Legal Aid at Work, Employment Clinic Volunteer

**EXHIBIT B – KAN DECL.  
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